

The Honorable Benjamin Settle

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

CLYDE RAY SPENCER, MATTHEW  
RAY SPENCER, and KATHRYN E.  
TETZ,

Plaintiffs,

v.

FORMER DEPUTY PROSECUTING  
ATTORNEY FOR CLARK COUNTY  
JAMES M. PETERS, DETECTIVE  
SHARON KRAUSE, SERGEANT  
MICHAEL DAVIDSON, CLARK  
COUNTY PROSECUTOR'S OFFICE,  
CLARK COUNTY SHERIFF'S  
OFFICE, THE COUNTY OF CLARK  
and JOHN DOES ONE THROUGH  
TEN,

Defendants.

NO. C11-5424BHS

DECLARATION OF DANIEL J.  
JUDGE IN SUPPORT OF MOTION  
OF DEFENDANT JAMES PETERS  
FOR AN EXTENTION TO FILE  
INITIAL DISCLOSURES, JOINT  
STATUS CONFERENCE, AND  
DISCOVERY PLAN

Noted for: October 18, 2011

I, DANIEL J. JUDGE, make the following declaration under penalty of perjury:

I am one of the attorneys representing defendant James M. Peters. This lawsuit was initiated by the filing of plaintiff's complaint in this court on June 2, 2011. Defendant James M. Peters was served with the summons and complaint after the filing of the complaint. On September 23, 2011 the undersigned and Patricia C. Fetterly of the Washington State Attorney General's Office were granted leave to substitute as counsel for

defendant Peters. Based upon a minute order entered by this court on June 6, 2011, the date for initial disclosures pursuant to FRCP 26(a)(1) was set for September 27, 2011, and the date for the discovery plan was October 4, 2011.

Since this order was entered prior to the substitution of the undersigned attorney for defendant Peters and the date for initial disclosures was set for just four days after the undersigned filed their notice of substitution, inquiry was made to the other counsel who have appeared in this case concerning whether they would agree to an extension until November 15, 2011 for initial disclosures, and for the joint status conference and discovery plan to be completed by December 1, 2011. All counsel have replied that they do not object to this extension.

DATED this 18th day of October, 2011.

ROBERT M. McKenna  
Attorney General

/s/ Daniel J. Judge  
PATRICIA C. FETTERLY, WSBA No. 8425  
Assistant Attorneys General  
DANIEL J. JUDGE, WSBA No. 17392  
Senior Counsel  
Attorneys for Defendant Peters  
Torts Division  
P.O. Box 40126  
Olympia, WA 98504-0116  
(360) 586-6300

**CERTIFICATE OF SERVICE**

I hereby certify that on this 18<sup>th</sup> day of October, 2011, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Plaintiffs attorney:

**Plaintiffs' Attorneys:**

[dandavies@dwt.com](mailto:dandavies@dwt.com)  
[kathleen.zellner@gmail.com](mailto:kathleen.zellner@gmail.com)  
[dhjohnson43@aol.com](mailto:dhjohnson43@aol.com)

AND TO

**Attorney for Co-Defendants Krause, Clark Co. Sheriff's Office, Clark Co. Prosecutor's Office:**

[bronson.potter@clark.wa.gov](mailto:bronson.potter@clark.wa.gov)

**Attorney for Co-Defendant Spencer:**

[dunnwh@pacifier.com](mailto:dunnwh@pacifier.com)

/s/ Daniel J. Judge  
DANIEL J. JUDGE, WSBA No. 17392  
Senior Counsel Attorney for Defendant  
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